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THE AUTHORITY OF MIGHT AND RIGHT

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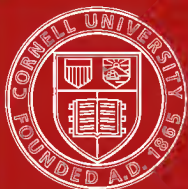
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THE AUTHORITY OF MIGHT AND RIGHT

BY

A. v. C. P. HUIZINGA

Author of "Belief in a Personal God," "The American
Philosophy Pragmatism," etc.



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In the struggles of life with individuals and with nations the query often comes, whether might is right, or right is might. In the raging conflicts when all available means of power to gain victory for the principles which individuals or nations endeavor to vindicate or to establish, often the right seems shattered by the forces of evil, and the people have inclined to the scepticism of the subtle sarcasm in the phrase: "God is on the side of the strongest battalions!" On close scrutiny, however, it appears that might and right are not terms to be opposed; that this query really reads, whether the wrong is right, or the right is wrong. Might in itself being innocent of moral quality, the assertion "might is right" would make success the a posteriori criterion in regard to the moral right or wrong of our given action or principle. This *unmoral* pragmatism would say whatever has succeeded is so far forth right. Whoever, or whatever fails of success is thereby declared to be wrong. It knows of no struggling for a lost cause, knows of no defeated principles of right; it recognizes only success.

The worldly, rationalistic temper of prudent calculation always has worshiped success, looked with an eye to the future, acted with an ear to the ground. Lacking faith worldly wisdom tries to reason itself secure, in spite of the Biblical declaration that "the wisdom of the world is foolishness with God."

The world's prudential wisdom, this rationalistic unbelief, measures with things seen the unseen and unperceived, the deep and hidden things of God! This sentiment is by whole diameters removed from the heroic faith in the right under trying circumstances, which Lowell expresses in the lines:

"Truth forever on the scaffold,
Wrong forever on the throne,
Yet, that scaffold sways the future!
And behind the dim unknown
Standeth God within the shadow,
Keeping watch above his own."

The principle of goodness and that of evil manifest themselves in their outward behavior. All things shall one day be proclaimed from the housetops and the hidden secrets laid bare. Though outward behavior may not exactly correspond to inner sentiment, it is in general but

natural that people come to look upon the outward and visible as a manifestation of the spiritual principle of which they may signify the existence. Legalizing tendencies externalize ethical principles in what can be more readily and easily grasped and defined than the inner world of right and wrong with the human heart. Especially is this so when appearances come to play a large part where spiritual insight is weakened. Then it becomes a rule to attempt to estimate good and evil by external results, and goodness and evil thus comes to be regulated largely by outward influences. People, instead of being actuated by positive principles and self-direction are influenced by motives *ab extra*. Legalism sways them with prizes and penalties. And the reason is that the rule of right within has been abandoned for the domain of utility or expediency. Faith has been surrendered to the desire for demonstration.. Thus strangely in law and in rule, in sign and in symbol demonstration is often imperiously sought for precisely at the stage when they least signify or manifest the principle they ought to represent. Nay, in proportion as men come to recognize that the inner meaning is less vital the stronger they begin to lean upon the outward sign, whilst in the truly spiritual life

the formal aspect of ethics and religion hardly obtrudes itself upon the consciousness of men. Just so the symptoms of physical functioning are usually less noticed than when health is impaired. Poets stand at the cradle of nations, philosophers meditate their problems in time of decay. It still holds true: "*Si jeunesse savait! si vieillesse pouvait!*" (Power lacks wisdom, wisdom lacks power!) Regarding moral health it may be said that when ethical principles are not strongly in evidence within, people require corroboration from without. Thus they turn to legalism with its external aspect and *ab extra* rule. Here often the form is identified with the thing signified.

Professor Palmer observes wittily that the title of Bentham's book, "Principles of Morals and Legislation," should have been "Principles and Morals of Legislation." Just so Hobbes bases morality in individuals on the law. It is evident that the law as a body of regulations, or as definitely formulated opinion, functions in the maintenance of the conviction of right and determines the specific forms under which persons and classes will conceive of right. But to conceive of right and the moral law in legislative terms, is to limit it to its manifestations in society. Savigny, a great German jurist, made

legislation the result of custom. In his well known work, "*Ueber den Beruf unserer Zeit zur Gesetzgebung und Rechtswissenschaft*," he compares legislative acts to more or less mechanical interferences with the course of society's moral nature. But if this restraining power and adjustment be just the result of custom, then we are lodging a superior legal authority in the resulting codification for the purpose of correcting the very source from which it sprang.

Westermarck argues this in "The Origin and Development of Moral Ideas." Observing a close connection between the two characteristics of custom: its habitualness and its obligatoriness, he goes on to say: "The Greek word νόμος means both custom and law: this combination of meanings is not owing to the poverty of language, but to the deep-rooted idea of the Greek people that law is, and ought to be, nothing more than the outcome of national custom." (Ziegler; "Social Ethics," p. 30.) A great part of the Roman law was founded on the *mores majorum*; in the Institutes of Justinian, it is expressly said that "long prevailing customs, being sanctioned by the consent of those who use them, assume the nature of Laws." ("Institutiones," 1, 2, 9.) The case was similar with the ancient laws of Teutons and Irish. (Joyce: "Social History of Ancient Ire-

land," I, 181.) The transformation of customs into laws was not a mere ceremony. Law, like custom, is a rule of conduct, but, while custom is established by usage and obtains, in a more or less definite way, its binding force from public opinion, a law originated in a definite legislative act, being set, as Austin says, by a sovereign person, or a sovereign body of persons, to a person or persons in a state of subjection to its author. (Austin; "Lectures on Jurisprudence," I., 87-181, etc.) "By becoming laws, then, the customs were expressly formulated, and are enforced by a more definite sanction." (P., 165, Chapter VII.) All this, however, goes to show simply that custom and law function in society with a certain binding authority, but the very fact that custom requires sanction to get established, and that only customs generally approved by moral sentiment are elevated into laws, points to the fact that the authority of custom and law lies in their moral right. In the Orient, tradition is often so prevailingly strong as to dispense with the sanction of the moral right on which custom and law itself arise. But where man's standards or morality is subject to practice, where custom becomes the prime guide of moral conduct we find that peoples thus in the grip of the past are so far forth retarded in their moral

development: Bagehot calls attention to this in "Physics and Politics." In "The Age of Discussion" he observes: "The greatest living contrast is between the old Eastern civilizations and the new Western changeable civilizations."

Von Ihering also combats this view as incomplete. In a characteristic sketch, "The Struggle for Law," he points out that "custom is not a mere mode of discovering what conviction as to the legally right is; but that this very conviction is first formed through the agency of its own action, that through this action it first demonstrates its power and its calling to govern life; in short the principle that the law is an idea which involves force." This view of Ihering, that codification of law is in itself an efficient force both in the maintenance of right and in the aid it renders to the right in its struggle to obtain authority over men's minds, distinguished throughout between the underlying principle of right and the concrete legal right or principle of law. He directs the attention in the theory of law as much to the sword as to the scales of justice. He admits that the law has an organic development from within outward. "To this development, we owe all those principles of law which are gradually accumulated from the autonomous balancing of the accounts of the legal

rights of men in their dealing with one another, as well as all those abstractions, consequences and rules deduced by science from existing laws, and presented by it to the consciousness. But the power of these two factors, the intercourse of man with man, and science, is a limited one." He describes also the struggle for concrete law, as opposed to the one-sided view which considered it—especially Roman law—logically as a system of abstract legal principles. "Law (Recht)," says von Ihering, "in the objective sense of the word, is, so to speak, the precipitate of the abstract rule into the concrete legal right of the person. In both directions the law meets with opposition. In both directions it has to overcome that opposition; that is, it has to fight out or assert its existence through a struggle."

We are here brought into the midst of the legalistic aspect of religion and ethics; and quite naturally, for the codified expressions, the formulations are representative of that which has authority over social life. It need not be emphasized at this point that these credal and legal formulations are not only natural, but inevitable and necessary, which is a strong point in the works of Abbé Loisy. Having become established, recognized authorities, they claim obedience and belief. They stand over those who have

grown up under the regulative sway. Authority here is not an individual but a social question. Individual assent to or dissent from legal code or dogma is a private matter, and if might were to decide in cases of dissent, the question would be solved beforehand. But if right is to settle such questions, then recourse should be had to the same process by which creed or law gained ascendancy, i. e. to the persuasive power of truth, its inherent authority.

Freedom of conscience and the inviolable dignity of man were never championed with such vigor as by the Calvinists. The reformed theologians recognized that assent to and dissent from credal formulations were individual, private matters, but they were too clearsighted to construe this circumstance into a justification of any heresy or argument against traditional orthodox Christianity. They considered with concern and pity many of the notions that are now boastfully flaunted as "new thought." The recognition of all authority of fact does not mean a blind recognition in violation of conscience. Christ allowed each man the prerogative of his own judicial authority, which the Roman Catholic church denies her members. Christ teaches, however, also distinctly that men are responsible for the use of their minds, as their conclusions are

for them individually final. At this solemn warning of the Master, sentimental subjectivism may well take heed to remember that the fact that our credo is inner and voluntary does not decide anything as to its truth. It has to approve itself historically, legally, demonstrate its right, its truth in this world under God.

Why should it be assumed that society or the church should give up their right or authority of fact and declare themselves to have been the beneficiaries of historical blundering? It should first be demonstrated, rather than be assumed on the basis of dissenting opinion, that this historical tradition is wrong. Otherwise the dogmatic assertion of "new truth" simply stands over against the dogmatic assertion of the old truth. But legal authority (authority as law) in concrete activity of life will define itself, as von Ihering pointed out; similarly principles of right, not yet incorporated, must struggle for embodiment in law, to get recognition, to gain sway and exercise authority. The sword has a place as well as the scales, might with the right; the sword as the executive and protective power of what it is to serve—might in the service of right.

"Man needs must fight
To make true peace his own
He needs must combat might with might
Or might would rule alone."

It is perhaps well to forestall the objection that this identifies might with right, and makes authority synonymous with the brute sway of might. Not at all. We call attention to Paul's classic utterance to the Corinthians: "God hath chosen the weak things of the world to confound the things which are mighty. And base things of the world, and things which are despised, hath God chosen, yea, and things which are not, to bring to nought the things that are" (I. Cor. 1:27 and 28). There is a subtle power overruling the world's struggles; faith perceives that, even when least apparent, God is the most real of powers.

Even Machiavelli may teach in example that his "new science of statesmanship, based on the experience of human events and history" assumes wrongly that history is controlled by the schemes and plottings of the world. While his surname has become synonymous with knave, it is said that his christian name furnished the epithet "old Nick" for the devil. "It is notorious that Machiavelli was, through life, a zealous republican. In the same year in which he composed his manual of *King-craft*, he suffered imprisonment and torture in the cause of public liberty." For such superficial historians there are reversals of history. While the Bible declares: "Righteousness exalteth a nation; but sin is a reproach to any people," it also affirms: "Righteousness

keepeth him that is upright in the way." The busts of Roman Emperors are replaced upon their columns by the statues of humble fishermen. Christ's dying words upon the cross: "It is finished," sound prophetic victory down the ages as a standing refutation of their worldly interpretation. Man proposes, God disposes. Dieu joue aux surprises! If God is with the strongest battalions, then they shall not defeat the right! Truth crushed to earth will rise again. Mill's brilliant argument against this view in "On Liberty" overlooks entirely the subtle influence which truth and right asserts. Even if it does not triumph in outward results at the time, the onrolling ages will serve its cause. The blood of the martyrs was and will be the seed of the church. Christianity has an invincible ignorance of defeat. Puritan saints were raised in these strongest battalions for whom God made their opponents "as stubble to their swords." The Ironsides proclaimed: "Biting must blades be that fight for the Lord."

It is superfluous to reiterate that we do not of course seem to defend reliance on human efforts and means in themselves, for this would justify the inference that "might is right." We must bear in mind the *whole* of the saying: "Put your trust in God, and keep your powder dry."

Faith should ever be ready to defend itself. A sentimental impatience with the evangelical faith of the past does not plead the cause of deviating opinions. Truth and right are not detached, airy things of visionary import, but are to be seen working in this very world, and as controlling it. It has foothold here and is to fight its way.

“History is the battleground of standards of values.” This statement of Höffding coupled with the well-known saying “Die Weltgeschichte ist das Weltgericht” (“The world’s history records its judgment”) call to mind the fact that in the world-process and history right and judgment inhere to approve and disapprove. It is a singularly crude notion indeed that brute force should ever be able to function in vindication, establishing, or gaining victory for the right, where its activities are not called forth, and sustained by right. You can neither stay truth by mere force, nor advance it. Might will neither retard nor advance civilization one whit. But with everyone rests the responsibility to call the means into service of the end, to shape the world through himself into the likeness of its creator and Judge. He in sovereignty elects or rejects, not being bound by the work of His hand. Grace flows free and is unconditioned. All instrumentalism,

all leanings on processes, on forms, on efforts in furtherance of moral strength prove futile.

“The king can make a belted knight,
But an honest man’s aboon his might.
A man’s a man for a’ that.”

Thus those who find the right and its guarantee in the nature of God rely upon Him who sees the end from the beginning to conduct the world’s course. The man of faith voices as a profound conviction: “Shall not the Judge of all the earth do right?” Thus the tried and troubled Job answered: “Of a truth I know that it is so” when Bildad the Shuhite says: “Behold, God will not cast away a perfect man, neither will he uphold the evildoers.” It all goes to show that only faith solves this problem. In and over this world God’s infinite power and wisdom rules and He will justify His ways in the end.

“Blind unbelief is sure to err,
And scans His works in vain.
God is His own interpreter,
And He will make it plain.”

It involves the insoluble problem of every theodicy to account for the existence of evil in the world, but to do away with the spiritual is to sink into

materialism. An acceptance of the actual as final is to discard all aspirations towards ideal ends, is to fail hopelessly even in the actual.

“Where there is no vision the people perish.” (Proverbs 29:18.) This fact is patently manifest in ethical studies, because a normative science implies the supernatural as authoritative standard over this world. The attempt to view the ideal as a product and result of the actual, which it is to control, has never proved satisfactory. Still, it is within this very world that the ideal is shaping the natural. And to recognize in the things seen that they are created and ruled by things unseen is the function of the eye of faith. In such a sense we may see the essential structure of human life as moral, amenable to God’s law. Professor Perry in an interesting and valuable work, “The Moral Economy,” means to score against the theological view of the depravity of human nature by saying: “The real structure of human life is moral, consisting only in a variety of instances of the law that the wages of sin is death. To represent life otherwise is to falsify it” (p. 205). This able ethical scholar, however, only corroborates traditional orthodoxy, for life is thus represented as amenable to, but not as naturally inclined to obey God’s law. And even in spite of death as the wages of sin, human na-

ture shows its depravity in all varieties of life. Where Professor Perry, however, refrains from dabbling with theology, pursuing his study without the customary bias against orthodox Christianity, his own conclusions coincide with the teachings of Christianity. In fact, he strongly emphasizes the Biblical injunction to regard this world as under the law of God, "sub specie eternitatis" as Spinoza claimed while denying the ground which such a view presupposes. Professor Perry says: "Upon the cultivation of those outward and sensible motions which may express or promote an invisible devotion' human life is dependent not only for its graciousness but for its discipline and growth" (p. 122). When he describes secularism he is soundly Christian, waiving aside the mere morality as already attained in behalf of the infinite scope relative to the perfection of God. *Le meilleur est l'ennemi du bien.* "Secularism or worldliness," he writes, "suffers from the general error of materialism, the error of mistaking the *de facto* good for the whole good. It is only another case of that blindness which is the penalty of all self-sufficiency" (p. 110). Many people stare themselves blind upon the mere mechanism, the outward forms, the means, the actual to be moulded and transformed into the ideal, till they have lost sight of the spiritual.

The unseen recedes before the seen, the actual is devoid of the ideal, the present stronger than the far future, time has lost its eternal elements, we become creatures of a day. Their justification, the true meaning of things, however, is not revealed within the temporal sphere, in the actual. Thus the disclosure of the world's course is to be found in its creator, and apprehended by faith.

“Who loved, who suffered countless ills
Who battled for the True, the Just
Be blown about the desert dust,
Or sealed within the iron hills?

.
O life as futile, then, as frail!
O for thy voice to soothe and bless!
What hope of answer or redress?
Behind the veil, behind the veil.”

By faith we lay hold on this ultimate rationality of the world, and these regulative principles as reliable correctives in experience. Faith, the indispensable element involved in every act of human life, is in Christian life able to subdue the world in active initiative for Him, who is its author and finisher. All ethics but corroborate this theistic position by the assumption that the ideal right of the individual coincides with that of humanity. In Christ this is not an assumption, or a merely reasoned conclusion, but a reality. Lincoln said

well: "Let us have *faith* that right is might." This question whether right is might, or might is right is solved by faith. And inasmuch as our faith really decides as to the answer, it is difficult to bring together the dissenting opinions. One who relies on force and power will consider this as tantamount to right, he whose faith perceived that right controls the powers of this world, will abide in the conviction that right—though in seeming defeat—must rise triumphant. Legislative elements, however, though vindicated and supported by force, are never to be identified with force. Professor Hastings of the University of Nebraska argues this cogently in the *Columbia Law Review*, December 1910. "Law and Force." It would be an interesting discussion to inquire whether mere power, even as restrictive, could ever function as proper police-force in society without involving moral elements in its application.

The Duke of Argyll enforces strongly the personal and ethical elements in legislation from the practical point as a statesman in "An examination of the fallacies and failures of economic Science due to Neglected Elements." He says in "The Unseen Foundations of Society": "Last, but not least, it is forgotten that there is in all human institutions a constant tendency to corruption, and that the whole science of government

must consist in building up systems of law and of administration to "keep down the base in man" by working the universal and legitimate instincts of industry in the service of society, under conditions which do not tempt men to departures from honesty and public virtue. This tendency to corruption is the element of danger which is the most generally forgotten of all, and yet it is the one which has the most insuperable importance. Of course, the knowledge and recognition of the fact of human corruption, and the universal consciousness of the dangers it involves, does now find, and has always found, expression in a thousand forms. It is the basis of all systems of law and of jurisprudence—of all police provisions—of all special laws for the prevention of fraud, for the enforcement of obligations, and for the redress of wrongs. But it is totally forgotten by innumerable theorists in their dreams for the reconstruction of society by the suppression of the individual. Even if the bodies which are supposed to represent society were gifted with the highest human wisdom, they would be incompetent to the task of directing the innumerable enterprises of the individual mind.

The suggestions to which it is ever open are so various, so subtle—even so evanescent as regards the opportunities which occur, and which by a

moment's indecision or delay may be lost forever—that the clumsy, and often stupid, movements of public bodies, even when perfectly honest, would sterilize the fountains of industry at their very source. But when we add to this inherent incapacity the equally inherent tendencies to corruption which arise from the conditions of human nature, we may have some faint idea of the confusion that would ensue from the suppression of individual interest in its legitimate and natural field of operation. And, be it remembered, it is only in those fields that it can possibly be suppressed at all. It cannot be suppressed in those other fields of action where it is most vicious. The pre-eminence of individual men cannot be prevented, nor can the sheepishness and corruptibility of others. All that can be done, and this is most effectively done in times of anarchy, is to turn the energies and the power of individual men into wrong channels, and to give free scope to the personal passions and to the ambitions of the most violent and unscrupulous members of society. There is a natural law which works out this result. Men can be trusted in the management of their own interests—in the employment of their own faculties, and the disposal of their own property. But they cannot be trusted when they are free to deal with those of others, except under all

those restraints of accepted and authoritative doctrines, of growing experience, and of gradual progress, which have been the governing conditions of all well-ordered commonwealths. It is, indeed, most true that the often-neglected element of human corruption is developed in the action and conduct of individual men even in the sphere which is its own; and assuredly society has enough to do in reality with it through all the ramifications which it may take in producing tangible evils that are remediable by wise and approximate legislation. But there is nothing new in this. In practice it has been an acknowledged principle since society existed even in its rudest forms. All customs and all laws appeal to it when they are concerned in the defence of rights and in the enforcement of obligations. If all men were perfectly honest and perfectly virtuous, there would be no need for one of a thousand enactments, or for the costly organizations of courts of justices, and of police, which are needed to defend men from each other's fraud or breaches of faith. As new forms and opportunities of evil come to be developed, new precautions have had to be, and will have to be, adopted on the same lines. But the more legislation, as they come to be determined by the growing experience and knowledge of civilized society, the more clearly we shall see

that they point to the field of morals as that in which protective and restraining action has been found most needed and to which it has been more and more confined." (Chapter XVII, p. 546 ff.)

James Bryce rejects emphatically this notion that governments should maintain themselves by force alone. "Governments have always rested and, special cases apart, must rest, if not on the affection then on the reverence or awe, if not on the active approval, then on the silent acquiescence of the numerical majority. It is only by rare exception that a monarch or oligarchy has maintained authority against the will of the people. The despotisms of the East, although they usually began in conquest, did not stand by military force but by popular assent. So did the feudal kingdoms of mediaeval Europe. So do the despotisms of the Sultan (so far, at least, as regards his Musulman subjects), of the Shah, and of the Chinese Emperor at this moment. The cases to the contrary are chiefly those of military tyrannies, such as existed in many of the Greek cities of antiquity, and in some of the Italian cities of the Renaissance, and such as exist now in the so-called republics of Central and South America. That even the Roman Empire, that eldest child of war and conquest, did not rest on the force but on the consent and good-will of its subjects is shown by the

smallness of its standing armies, nearly the whole of which were employed against frontier enemies, because there was rarely any internal revolt or disturbance to be feared. Belief in authority, and the love of established order, are among the strongest forces in human nature, and therefore in politics. . The first supports governments *de jure*, the latter governments *de facto*. They combine to support a government which is *de jure* as well as *de facto*." Chapter LXXVII Vol. II "American Commonwealth.")

Moreover it should be considered that the main characteristic of law is not exclusively to restrain evil-doing, as it is often interpreted when thus evoked in behalf of moral principles. Laws strongly vindicate the right; "the majesty of the law must be upheld." Jurist von Bar argues that law as an expression and safeguard of the ethical sentiments embodies therefore in its principles a resentment against crime. "Die Missbilligung ist das Wesentliche aller Strafe." Punishment, in all its forms, is essentially an expression of indignation in the society which inflicts it. (von Bar; Die Grundlagen des Strafrechts, p. 4.) Westermarck urges this view strongly in "The Origin and Development of the Moral Ideas." "Numerous data," he says, "to be referred to in following chapters, will show how faithfully pun-

ishment reflects the emotion of resentment, and how impossible it would be to explain it from considerations of social utility without close reference to the feeling of justice. I do not mean to deny that punishment, though in the main an expression of public indignation, is also applied as a means of deterring from crime. Criminal law is preventive, its object is to forbid and to warn, and it uses punishment as a threat. But the acts which the law forbids are, as a rule, such as public opinion condemns as wrong, and it is their wrongness that in all ages has been regarded as the justification of the penalties to which they are subject. . . . Our assumption that punishment is, in the main, an expression of public indignation, is opposed to another theory, according to which the chief object of punishment, not only ought to be, but actually is, or has been, to prevent crime by deterring people from committing it. We are even told that punishment, inflicted for such a purpose, is largely at the root of the moral consciousness; that punishment is not the result of a sense of justice, but that the sense of justice is a result of punishment; that, by being punished by the State, certain acts gradually came to be regarded as worthy of punishment, in other words as morally wrong." All these considerations concede to law and its func-

tion in society even where it operates with coercive force much more of a positive, ethical, even educational quality. And it should be observed that as a system of laws becomes more highly organized, it dispenses its force more and more in behalf of purely ethical ends. This interest in the moral safeguard and elevation of the public addresses itself to the moral sense of the individuals of the community, who must be amenable to the laws to render them effective. It is again right which is essentially mighty, it is again might which is enlisted in behalf of the right, force appropriated, rendered available to function for moral ends, till all things, all power shall actually have been given unto the King of all the earth. In the person of Jesus Christ this will, this motive is graciously imparted to those whose faith has received in Him the revelation of the world's teleology. Then for individual and nation alike it becomes real that all things work together for good to those that love God. Indeed! The principle of appeal to God is asserted in almost all declarations where oppressive authority has been dislodged, this being always ostensibly done on the claim that the existing authority was usurped, and thus devoid of the supreme sanction without which no human authority can endure. So in the midst of an appeal to arms, to power to the God of

battles lurks again the authority of all authority, God as the permanent element in all change and controlling all change.

This is notably the case with that remarkable document, the "Declaration of Independence" of the United States of America. In all changes, the protesting party appeals against "the powers that be" in behalf of its claims to the authority which is not merely human. Even "the consent of the people" is based on the principles for which the Creator purposed them to live in society. The reversal of this relation employs usually an unwarranted assumption, in that it elevates this felt need or sense of right into the causal ground of authority. Of course one would even then have to account for this need or sense of right, which is usually, however, taken as an ultimate fact.

Some cynics have asserted that brute power is the sole source of authority, and that might is right. Boldly and strongly is this put in "The Gospel of Chicago, Might is Right" by Ragnar Redbeard.

"Might was right when Cæsar bled upon the stones
of Rome,
Might was right when Joshua led his hordes o'er
Jordan's foam.

And might was right when German troops poured
down through Paris gay.
It's the Gospel of the Ancient World—and the
logic of to-day.
Behind all kings and presidents, all government and
law,
Are army-corps and cannoneers—to hold the world
in awe,
And sword-strong races own the earth—and ride
the conqueror's Car.
And Liberty has ne'er been won, except by deeds
of war.
Cain's knotted club is scepter still—the "Rights of
Man" is fraud.
Christ's ethics are for creeping things, true man-
hood smiles at "God."
For Might is Right when empires sink in storms of
steel and flame;
And it is Right when weakling breeds—are hunted
down like game.
The strong must ever rule the weak, is grim primor-
dial law.
On earth's broad racial threshing-floor the meek
are beaten straw.
Then ride to power o'er foemen's necks, let nothing
bar your way:
If you are fit, you'll rule and reign, is the logic of
to-day.
'Put not your trust in princes,' is a saying old and
true,

'Put not your hope in Governments' translateth it
anew.

All 'Books of Law' and 'Golden Rules' are fashioned to betray.

The survival of the strongest is the gospel of to-day.

Where pendant suns in millions swing, around this
whirling earth,

It's Might, it's Force that holds the brakes, and
steers through life and death:

Force governs all organic life, inspires all Right
and Wrong;

It's Nature's plan to weed-out man, and test who
are the strong."

This vehement declaration savors of Nietzsche's accusation of Christianity. It suffices to say that history refutes the idea that "the will for power" (*Wille zur Macht*) can ever successfully displace the 'rectitude of will.' It is not force as opposed to right, but is always, and always must be power as right, that is to say a rightful power only, which can claim our allegiance, or exercise authority. One should strive therefore not primarily for the cultivation of a strong will, but of a good will, which Kant rightly claimed as most desirable. Human effort should aim not first of all at power and might, but at goodness and right, for where worldly power is acquired it only serves truly and

lastingly when rightly held. Precisely because authority involves coercive power on the part of those who exercise it against those who challenge or defy it, and faith on the part of those who rely on authority, the idea of Right may never be absent from the exercise of authority. And as a matter of fact, it never is. Apart from the chances of their respective fortunes on the battle-field the contending parties, federals and insurrectos in Mexico both believe and claim to be right, straining their powers to vindicate that right. It is Shakespeare's:

"Thrice is he armed who hath his quarrel just,
And he but naked though locked up in steel
Whose conscience with injustice is corrupted."

It is not force and power as a detached thing, which establishes authority with a justification super-added, during or after the contention. In the contending forces, and over them authority's claim is gradually made manifest. This may also appear in the criticism of the 'ins' and 'outs.' The opposition asks rather by what right are you in, we out, than by what might is your authority established. Such a bare, external view is certainly not presented in the classic Biblical passage.

“Let every soul be subject unto the higher powers: for there is no power but of God. The powers that be, are ordained by God. Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation. For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? Do that which is good, and thou shalt have praise of the same. For he is the minister of God to thee for good: but if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil. Wherefore ye must needs be subjects, not only for wrath, but also for conscience sake.” Romans XIII: 1-5.

Government and civil authority, it is evident, are conceived of as a restraint upon the evil which would unsettle society, and an encouragement to the good works which conduce to its welfare. It therefore appeals invariably immediately or mediately to God for its sanction. The ultimate appeal is always to God, because He announces himself in the heart of every man. The unsophisticated mind feels that He removeth kings, and setteth up kings” (Dan. II. 21): He is in all and over all, supreme on earth as he is in heaven.

Indeed!

“By me kings reign,
And princes decree justice.
By me princes rule,
And nobles, even all judges of the earth.”
(Proverbs viii, 15, 16.)

In modern discussions on authority, the subjective side has been favored at the expense of the normative objective truth as it has found recognition in the world. But the articulate expression of the latter, the tested formulation of right, will be self-propagating only as it inheres in ultimate truth; and this it may possess through the efficient codification and human agency under His authority. The two ideas of right and power are thus brought into close relation. Christ's authority over the world implies that the world is to be won to recognition of Him. Not indeed without means, but by authorized, sanctified power, by righteous might, controlled, pervaded and led by the right. The truth as it is in Jesus is to be Jesus as truth, on earth historic Christianity, the Church as “the collective Christ.”

The opponents of articulate law usually take their stand on the assumed discrepancy between Christianity and the means of its propagation. This alleged discrepancy springs from a view

which loosely joins truth and the human means through which it functions. All who consider the modern arguments and protests from this viewpoint will be impressed with this procedure, which we believe is an essential fallacy, for is not that which functions in behalf of truth, right, and religion or any ethical principle, ipso facto controlled by this end? We are mindful of the fact that abuse is made of the law to defeat its own end, but this is not to be urged against the law, be it civic, ethical or religious.

The view which opposes an abstract, indifferent power to an abstract principle of right has confusingly argued from its different aspects to two kinds of authority. *Ἐξουσία*, Auctoritas: the right to command obedience and *Δύναμις*, Potestas: the power to enforce obedience, refer both in different ways to authority, but from the former the idea of the latter is never absent, and the latter is simply the former seen in coercive capacity. In this light the tirade against Christianity in "Letters from a Chinese Official" loses its force. Sir Robert Hart is quoted as saying of the Chinese: "They believe in right so firmly that they scorn to think it requires to be supported or enforced by might?" Then the writer goes on: "Yes, it is we who do not accept it that practice the Gospel of peace; it is you who accept it that

trample it under foot. And—irony of ironies!—it is the nations of Christendom who have come to us to teach us by sword and fire that Right in this world is powerless unless it be supported by Might! Oh, do not doubt that we shall learn the lesson! And woe to Europe when we have acquired it! You are arming a nation of four hundred millions! A nation which, until you came, had no better wish than to live at peace with themselves and all the world. In the name of Christ you have sounded the call to arms! In the name of Confucius we respond!”

Dr. Geerhardus Vos remarks in regard to Christianity on this point that its opponents wholly sever means and ends, or even set them at variance. Most often, however, they work with two abstract notions, that of might on the one hand and that of right on the other. “If it were true that the apostolic teaching had fundamentally modified the Gospel of Jesus by substituting for a life taught and lived by Him, a dogma about Him, then we would be face to face with the incredible fact that in the introduction of the Gospel into the world ordinary care had not been taken that those who were its first witnesses and heralds should correctly apprehend its fundamental meaning. Who will believe that a Gospel, thus cast adrift from its infancy is a super-

natural revelation of God?" It is after all a historic fact that the Bible and Christianity are witnesses to Christ. Against this logic of history, rests with those who deny its validity the obligation to offer a better formulation than that which traditional Christianity has given of itself. To attempt this by severing Christianity from historic fact, implies an essential antagonism between ends and means. We are not here concerned with the subjectivism of this position; yet is it evident that to keep apart the principles to be served and the means by which they are to be propagated and precipitated into the concrete forms of social life tends to make the principles themselves mere abstractions.

Professor Henri Bois illustrates in his work, "*De la Connaissance Religieuse*," the confusion of the subjective attitude of the individual and authority as social attitude in law, code, and church dogma, in which right and might are combined. Creeds and dogmas as social authorities are of a piece with all legal authority, and, in fact, constitute law in that domain. And on a legal basis we cannot say, as does Professor Bois: "One may define authority by the idea of right or by that of power. We choose that which defines it by the notion of right. Authority is a right." (Op. Cit., p. 202.) Authority is a right as con-

crete, incorporated power in society. Indeed, "usage has prevailed to employ authority especially to denote the right a person has to be obeyed or believed—obeyed, when he commands, believed when he speaks." Thus Littré is right when he says: "Authority in the first place is the power to make oneself obeyed."

When Professor Bois therefore remarks: "To conceive of authority as containing both the idea of power and of right, seems to us a synthesis which only produces confusion in a subject of which it is already difficult enough to have a clear idea oneself, as well as to get it clear before others," he criticises his own view.

A psychological analysis of the relation of the individual attitude to legislative authority is thus made an argument against this "*autorité de fait*." We are agreed that legislative commands, though our knowledge of them be mediated through understanding, terminate upon the conscience and the will, which are not to be, and cannot be, forced. But legislative authority is original, immediate and self-authenticating. As such it creates and defines relations and duties. Judicial authority which interprets and declares these obligations has consequently a derived authority on the strength of which therefore legislative authority may not be repudiated. Dr.

McPheeters observes in an article entitled "Authority in Religion" in the "*Dictionary of Christ and the Gospels*"—"According to the maxim 'The interpretation of the law is the law,' the law and the interpretation of the law are but different modal manifestations of one and the same personal will of authority." Similarly the executive authority comprises only the repositories of the same authority to give effect to the legislative will and to judicial findings.

